

REMARKS

The advisory action dated July 31, 2009, and the office action of April 15, 2009, have been carefully considered.

It is noted that claim 5 is rejected under 35 U.S.C. 102(b) or, in the alternative, under 35 U.S.C. 103(a) over the patent to Sakaya et al.

Claims 1-4, 6 and 7 are allowed.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the reference.

Addressing the Examiner's comments in the Advisory Action, applicant submits that the Examiner is incorrect in his comparison of Fig. 5 of the present application with Fig. 1 of Sakaya et al. To begin with, the two lines the Examiner has drawn in Fig. 1 of Sakaya et al. are not parallel. If the lines are drawn parallel they are not of equal length. Applicant has attached copies of the same Figs. 1 and 5. In Fig. 5 of the present application the width of the pipe at various locations is indicated by B_1 , B_2 , B_3 , ... B_4 .

All of these widths are equal since the width is uniform along the entire length of the pipe and does not vary no matter where it is measured. In Fig. 1 of Sakaya et al. applicant has also indicated four widths, B1, B2, B3, B4, taken along parallel lines perpendicular to the longitudinal axis of the pipe. It is readily apparent that B1 is greater than B2, and B3 is greater than B4. Thus, Sakaya et al. do not disclose or teach a width that is the same at all points along the entire length of the pipe.

Applicant has also enclosed a copy of Fig. 3 of the present application, which also shows the uniform width of the base profile along the entire length of the base profile.

In view of these considerations it is respectfully submitted that the rejection of claim 5 under 35 U.S.C. 102(b) or, in the alternative, under 35 U.S.C. 103(a) over the above-discussed reference is overcome and should be withdrawn.

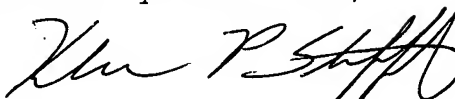
Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and

BM-160

Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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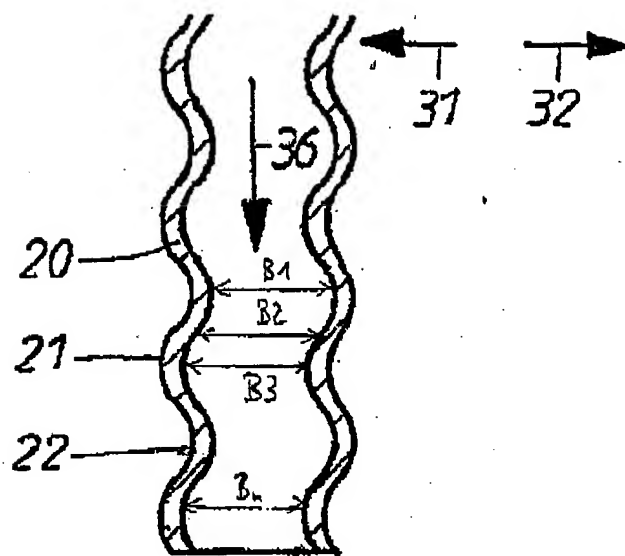
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on September 15, 2009.

By: 
Klaus P. Stoffel

Date: September 15, 2009



$$B_1 = B_2 = B_3 = \dots = B_n$$

FIG. 5

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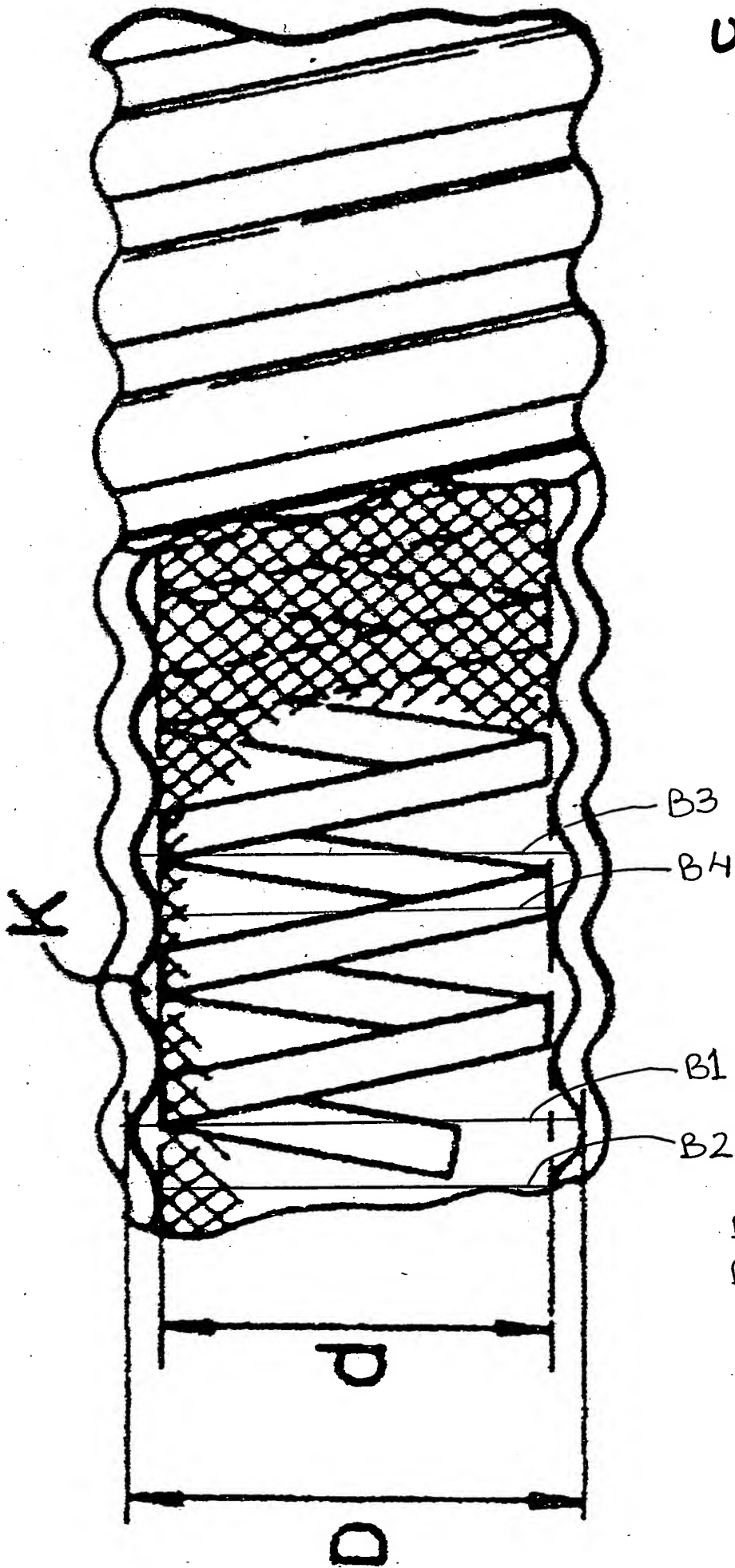


FIG. 1

$$\begin{aligned} B1 &> B2 \\ B3 &> B4 \end{aligned}$$

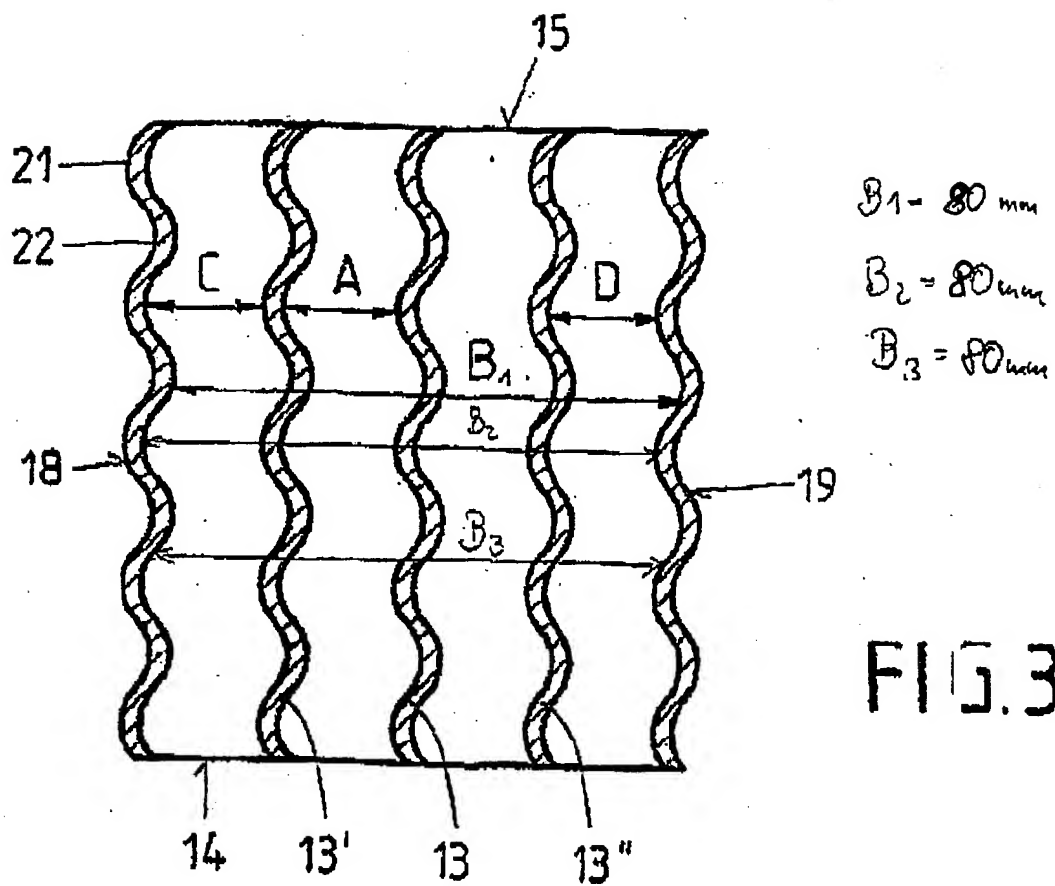


FIG. 3

$$B_1 = B_2 = B_3 = \dots B_n$$